PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 18, 2014

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JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY THIRTY-EIGHTH SESSION DAY

Senate Chamber Des Moines, Iowa, Tuesday, March 18, 2014

The Senate met in regular session at 9:04 a.m., President Jochum presiding.

Prayer was offered by Pastor Rod Rindahl of the New Life Community Church in St. Charles City, Iowa. He was the guest of Senator Wilhelm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Allen Teggatz.

The Journal of Monday, March 17, 2014, was approved.

The Senate stood at ease at 9:11 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:28 a.m., President Jochum presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hatch, until he arrives, on request of Senator Gronstal; and Senators Ernst, Greiner, Houser, and Zumbach, until they arrive on request of Senator Dix.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2338 and 2318.

Senate File 2338

On motion of Senator Dotzler, <u>Senate File 2338</u>, a bill for an act concerning the excise tax on compressed natural gas and liquefied natural gas used as special fuel, placed on the Unfinished Business Calendar on March 13, 2014, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2338), the vote was:

Yeas, 45:

Anderson	Courtney	Horn	Segebart
Beall	Danielson	Jochum	Seng
Behn	Dearden	Johnson	Sinclair
Bertrand	Dix	Kapucian	Smith
Black	Dotzler	Mathis	Sodders
Boettger	Dvorsky	McCoy	Taylor
Bolkcom	Feenstra	Petersen	Whitver
Bowman	Garrett	Quirmbach	Wilhelm
Brase	Gronstal	Ragan	Zaun
Breitbach	Guth	Rozenboom	
Chapman	Hart	Schneider	
Chelgren	Hogg	Schoenjahn	

Nays, none.

Absent, 5:

Ernst Hatch Zumbach Greiner Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS (Deferred March 17, 2014)

Senate File 2318

The Senate resumed consideration of <u>Senate File 2318</u>, a bill for an act relating to state and school antiharassment and antibullying policies, establishing an office of support and analysis for safe schools,

establishing a school climate improvement grant program, providing for training on harassment and bullying prevention and response, making appropriations, and including effective date provisions, deferred March 17, 2014.

Senator Chelgren offered amendment <u>S-5076</u>, filed by him from the floor to page 5 of the bill.

Senator Hogg raised the point of order that amendment <u>S-5076</u> was not germane to the bill.

The Chair ruled the point well-taken and amendment $\underline{S-5076}$ out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bertrand, until he returns, on request of Senator Dix.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318), the vote was:

Yeas, 26:

Beall Black Bolkcom Bowman Brase Courtney Danielson	Dearden Dotzler Dvorsky Gronstal Hart Hatch Hogg	Horn Jochum Mathis McCoy Petersen Quirmbach Ragan	Schoenjahn Seng Sodders Taylor Wilhelm
Nays, 19:			
Anderson Behn Boettger Breitbach Chapman	Chelgren Dix Feenstra Garrett Guth	Johnson Kapucian Rozenboom Schneider Segebart	Sinclair Smith Whitver Zaun

Absent, 5:

Bertrand Greiner Zumbach

Ernst Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate Files 2318 and 2338 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2324, 514, 475, and 2427.

House File 2324

On motion of Senator McCoy, <u>House File 2324</u>, a bill for an act relating to consumer lending transactions by modifying provisions applicable to certain loan charges and modifying designated monetary limits specified in the consumer credit code, and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2324), the vote was:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Jochum	Seng
Behn	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm

Breitbach Guth Ragan Zaun
Chapman Hart Rozenboom
Chelgren Hatch Schneider
Courtney Hogg Schoenjahn

Nays, none.

Absent, 5:

Bertrand Greiner Zumbach Ernst Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 514

On motion of Senator Wilhelm, <u>House File 514</u>, a bill for an act relating to and requiring the return of stolen merchandise in the possession of a pawn shop owner or operator, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Wilhelm offered amendment <u>S-5064</u>, filed by the committee on Commerce on March 13, 2014, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5064 was adopted by a voice vote.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 514), the vote was:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Jochum	Seng
Behn	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm

Breitbach Guth Ragan Zaun
Chapman Hart Rozenboom
Chelgren Hatch Schneider
Courtney Hogg Schoenjahn

Nays, none.

Absent, 5:

Bertrand Greiner Zumbach Ernst Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

House File 475

On motion of Senator Sodders, <u>House File 475</u>, a bill for an act relating to the issuance of a search warrant to authorize the placement, tracking, monitoring, and removal of a global positioning device, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sodders offered amendment $\underline{S-5062}$, filed by the committee on Judiciary on March 13, 2014, to page 1 of the bill, and moved its adoption.

Amendment S-5062 was adopted by a voice vote.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 475), the vote was:

Yeas, 46:

Anderson	Courtney	Hogg	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Garrett	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm

Breitbach Guth Ragan Zaun Chapman Hart Rozenboom Chelgren Hatch Schneider

Nays, none.

Absent, 4:

Ernst Greiner Houser Zumbach

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2427

On motion of Senator Black, <u>House File 2427</u>, a bill for an act relating to corn promotion, including special referendums, the assessment of a checkoff, and the creation of a task force, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2427), the vote was:

Yeas, 46:

Courtney Anderson Hogg Schoenjahn Beall Danielson Horn Segebart Jochum Behn Dearden Seng Bertrand Dix Johnson Sinclair Dotzler Black Kapucian Smith Dvorsky Sodders Boettger Mathis BolkcomFeenstra McCoy Taylor Bowman Garrett Petersen Whitver Brase Gronstal Quirmbach Wilhelm Breitbach Guth Ragan Zaun Chapman Hart Rozenboom Schneider Chelgren Hatch

Nays, none.

Absent, 4:

Ernst Greiner Houser Zumbach

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that House Files 475, 514, 2324, and 2427 be immediately messaged to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:27 a.m. until 1:00 p.m.

RECONVENED

The Senate reconvened at 1:09 p.m., President Jochum presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hogg, until he returns, on request of Senator Gronstal; and Senator Zaun, until he returns, on request of Senator Whitver.

CONSIDERATION OF BILLS

(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2423, 2397, 2379, 2378, 2370, and 2368.

House File 2423

On motion of Senator Garrett, <u>House File 2423</u>, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Garrett moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2423), the vote was:

Yeas, 44:

Anderson	Chelgren	Hart	Rozenboom
Beall	Courtney	Hatch	Schneider
Behn	Danielson	Horn	Schoenjahn
Bertrand	Dearden	Jochum	Segebart
Black	Dix	Johnson	Seng
Boettger	Dotzler	Kapucian	Sinclair
Bolkcom	Dvorsky	Mathis	Smith
Bowman	Feenstra	McCoy	Sodders
Brase	Garrett	Petersen	Taylor
Breitbach	Gronstal	Quirmbach	Whitver
Chapman	Guth	Ragan	Wilhelm

Nays, none.

Absent, 6:

Ernst Hogg Zaun Greiner Houser Zumbach

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2397

On motion of Senator Dearden, <u>House File 2397</u>, a bill for an act concerning liability protection for volunteers on state lands, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2397), the vote was:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng

Dix Johnson Sinclair Bertrand Black Dotzler Kapucian Smith Dvorsky Mathis Sodders Boettger Bolkcom McCoy Taylor Ernst Bowman Feenstra Petersen Whitver Garrett Quirmbach Wilhelm Brase Breitbach Gronstal Ragan Chapman Guth Rozenboom Chelgren Hart Schneider

Nays, none.

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2379

On motion of Senator Wilhelm, <u>House File 2379</u>, a bill for an act relating to crisis stabilization programs authorized by the department of human services, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2379), the vote was:

Yeas, 45:

Anderson Courtney Hatch Schoenjahn Beall Danielson Horn Segebart Jochum Behn Dearden Seng Bertrand Dix Johnson Sinclair Black Dotzler Kapucian Smith Boettger Dvorsky Mathis SoddersTaylor Bolkcom Ernst McCoy Bowman Feenstra Petersen Whitver Wilhelm Brase Garrett Quirmbach Breitbach Gronstal Ragan Chapman Guth Rozenboom ChelgrenHart Schneider

Nays, none.

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2378

On motion of Senator Mathis, <u>House File 2378</u>, a bill for an act relating to the requirements for psychologist licensing, with report of committee recommending passage, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2378), the vote was:

Yeas, 45:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Taylor
Bowman	Feenstra	Petersen	Whitver
Brase	Garrett	Quirmbach	Wilhelm
Breitbach	Gronstal	Ragan	
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	

Nays, none.

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2370

On motion of Senator Bowman, <u>House File 2370</u>, a bill for an act relating to the supervision of orthotist or prosthetist assistants, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2370), the vote was:

Yeas, 45:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Taylor
Bowman	Feenstra	Petersen	Whitver
Brase	Garrett	Quirmbach	Wilhelm
Breitbach	Gronstal	Ragan	
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	

Nays, none.

Absent, 5:

Greiner Houser Zumbach Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2368

On motion of Senator Petersen, <u>House File 2368</u>, a bill for an act modifying security freeze provisions and extending security freeze protection to specified individuals designated as protected consumers, making penalties applicable, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Petersen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2368), the vote was:

Yeas, 45:

Anderson	Courtney	Hatch	Schoenjahr
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Taylor
Bowman	Feenstra	Petersen	Whitver
Brase	Garrett	Quirmbach	Wilhelm
Breitbach	Gronstal	Ragan	
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	

Nays, none.

Absent, 5:

Greiner Houser Zumbach Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that House Files 2368, 2370, 2378, 2379, 2397, and 2423 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2344, 2326, 2325, and 2288.

House File 2344

On motion of Senator Black, <u>House File 2344</u>, a bill for an act relating to drainage or levee districts by providing for mergers, the liability of trustees, bidding requirements, the annexation of land, and authorizing the imposition of assessments upon affected landowners, with report of committee recommending passage, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2344), the vote was:

Yeas, 45:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Taylor
Bowman	Feenstra	Petersen	Whitver
Brase	Garrett	Quirmbach	Wilhelm
Breitbach	Gronstal	Ragan	
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	

Nays, none.

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2326

On motion of Senator Taylor, <u>House File 2326</u>, a bill for an act relating to payments from the indigent defense fund by the state public defender, including effective date provisions, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2326), the vote was:

Yeas, 45:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sinclair
Black	Dotzler	Kapucian	Smith
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Taylor
Bowman	Feenstra	Petersen	Whitver
Brase	Garrett	Quirmbach	Wilhelm
Breitbach	Gronstal	Ragan	
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	

Nays, none.

Absent, 5:

Greiner Houser Zumbach

HoggZaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2325

On motion of Senator Courtney, House File 2325, a bill for an act relating to certain corporations organized prior to July 1, 1971, by eliminating requirements relating to publication, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2325), the vote was:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Horn	Segebart
Behn	Dearden	Jochum	Seng

Dix Johnson Sinclair Bertrand Black DotzlerKapucian Smith Dvorsky Mathis Sodders Boettger Bolkcom Ernst McCoy Taylor Bowman Feenstra Petersen Whitver Garrett Quirmbach Wilhelm Brase Breitbach Gronstal Ragan Chapman Guth Rozenboom Chelgren Hart Schneider

Nays, none.

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2288

On motion of Senator Danielson, <u>House File 2288</u>, a bill for an act relating to reporting and other requirements concerning the department of administrative services and other state agencies, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2288), the vote was:

Yeas, 43:

Anderson	Chelgren	Guth	Rozenboom
Beall	Courtney	Hart	Schneider
Behn	Danielson	Hatch	Schoenjahn
Bertrand	Dearden	Horn	Segebart
Black	Dix	Jochum	Seng
Boettger	Dotzler	Johnson	Sinclair
Bolkcom	Dvorsky	Kapucian	Smith
Bowman	Ernst	Mathis	Taylor
Brase	Feenstra	McCoy	Whitver
Breitbach	Garrett	Quirmbach	Wilhelm
Chapman	Gronstal	Ragan	

Nays, 2:

Petersen Sodders

Absent, 5:

Greiner Houser Zumbach

Hogg Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that House Files 2288, 2325, 2326, and 2344 be immediately messaged to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:58 p.m. until 9:00 a.m., Wednesday, March 19, 2014.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

West High Boys' Basketball Team, Iowa City – For winning the 4A Championship. Senator Dvorsky.

STUDY BILL RECEIVED

SSB 3210 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

SUBCOMMITTEE ASSIGNMENT

SSB 3210

APPROPRIATIONS: Mathis, Chair; Chapman and Dvorsky

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: <u>SENATE RESOLUTION 109</u>, a resolution reaffirming Iowa's commitment to its relationship with Taiwan and supporting Taiwan's efforts to participate in the international community.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Jochum, Dix, Dearden, Dvorsky, Ragan, Rozenboom,

Sodders, and Whitver. Nays, none. Absent, 2: Courtney and Ernst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENT TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittee of standing committee on March 18, 2014, to investigate the appointment and reappointment of the following appointee:

LOCAL GOVERNMENT

As a member of the Mental Health Risk Pool Board:

Mechelle Dhondt - Brase, Chair; Hart and Sinclair

AMENDMENTS FILED

S - 5076	S.F.	2318	Mark Chelgren
S - 5077	H.F.	1 5 9	Rich Taylor
S - 5078	<u>H.F.</u>	2183	Rita Hart